

REMARKS

By the present amendment, claim 10 has been amended, claim 17 has been canceled, and new claims 18-23 have been added. Support for the amendment is found in the original application, in particular in the Examples and on page 17 of the specification.

Claims 1-16 and 18-23 are pending in the present application. Independent claims 1, 9 and 10, claims 2 and 21 dependent on claim 1, claim 23 dependent on claim 9, and claims 11-14 and 18-20 dependent on claim 10, are directed to a polarizing member. Claim 3 dependent on claim 1, and claims 4-6 and 22 dependent on claim 3, are directed to an optical member. Claims 7 and 8 dependent on claims 1 and 3, respectively, and claims 15-16 dependent on claim 7, are directed to a liquid crystal display.

In the Office Action, claims 1-8 are rejected under 35 U.S.C. 102(b) as anticipated by US 5,825,444 to Broer et al. (Broer), and claims 15-16 are rejected under 35 U.S.C. 103(a) as obvious over Broer. It is alleged in the Office Action that Broer discloses the property relative to the refractive index areas as recited in claim 1 in the passage at col. 8, lines 13-23 of Broer.

The rejections are respectfully traversed. Broer discusses the extraordinary refractive index ne in a certain direction in the general birefringent material that does not meet Snell's law, which is totally different from the extraordinary refractive index area of the polymer material layer of the present claims. Thus, the passage of Broer referred to in the Office Action is not concerned about particular areas within the cholesteric layer, but about an overall pitch and overall refractive index in a certain direction in the layer. As a result, this passage of Broer does not provide any indication regarding particular extraordinary refractive index areas as defined in present claim 1. In addition, Broer is completely silent as to any preparation steps designed to avoid local

extraordinary refractive index areas in an optical layer. Therefore, Broer fails to teach or suggest the present invention as claimed in present claims 1-8 and 15-16.

In view of the above, it is submitted that the rejections should be withdrawn.

Next, in the Office Action, claims 10 and 12-14 are rejected under 35 U.S.C. 102(b) as anticipated by US 5,048,933 to Asano (Asano), and claim 11 is rejected under 35 U.S.C. 103(a) as obvious over Asano in view of US 6,153,272 to Kim et al. (Kim). It is alleged in the Office Action that the construction shown in Fig. 3 of Asano includes polarizers 21 or 22 with an alignment layer 11C, 12C which is a polymer layer, and an intermediate layer 11A or 12A (glass substrate) or 11B or 12B (metal oxide electrode) that inherently prevents migration.

Reconsideration and withdrawal of the rejections is respectfully requested. In Asano, a conventional polarizing film including a polarizing layer between protective layers is applied to the liquid crystal cell, so that the glass substrate 11A, 12A is not applied directly on the polarizing layer but on the protective layers. In contrast, in the present invention as recited in present claim 10, the polarizing member comprising an absorption type polarizing layer and polymer material layers has a migration preventing layer disposed between the absorption type polarizing layer and each of the polymer material layers which is disposed directly on the absorption type polarizing layer, as recited in present claim 10. This construction and its advantages are not taught or suggested in Asano or in Kim, and therefore, present claim 10, and the claims dependent thereon, are not obvious over Asano and Kim taken alone or in any combination.

In view of the above, it is submitted that the rejections should be withdrawn.

Next, in the Office Action, claim 9 is rejected under 35 U.S.C. 103(a) as obvious over Kim in view of Kotz et al., Chemistry and Chemical Reactivity, 2nd Ed. 1991, pp. 166 (Kotz). It is

alleged in the Office Action that Kim discloses a polarizer made of a polymer that has been filtrated to remove low molecular weight bodies, and that Kotz suggests the use of a filtration film.

The rejection is respectfully traversed. Kim discloses a method for forming a liquid crystal cell by imparting anisotropy to a polymer by means of polarized light, so as to orient liquid crystals (see col. 1, line 66 to col. 2, line 4 of Kim). Thus, Kim does not disclose a technology to form a polarizer, does not apply its polymer to a polarizing film, and does not provide any suggestion that its liquid crystal cell imparts absorption type polarizing properties.

In contrast, present claim 9 recites a polarizing member comprising an absorption type polarizing film and one or more polymer material layers comprising a filtrated polymer. An advantage of this polarizing member is that extraordinary refractive index areas can be minimized, as discussed in the present application. This construction and its advantages are not taught or suggested in Kim and Kotz fails to remedy this deficiency. Therefore, present claim 9 is not obvious over Kim and Kotz taken alone or in any combination.

In view of the above, it is submitted that the rejection should be withdrawn.

In conclusion, the invention as presently claimed is patentable. It is believed that the claims are in allowable condition and a notice to that effect is earnestly requested.

In the event there is, in the Examiner's opinion, any outstanding issue and such issue may be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Serial Number: 09/929,063

Group Art Unit: 2812

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of the response period. Please charge the fee for such extension and any other fees which may be required to our Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Nicolas E. Seckel
Attorney for Applicants
Reg. No. 44,373

Atty. Docket No. 020527
1250 Connecticut Avenue NW Suite 700
Washington, D.C. 20036
Tel: (202) 822-1100
Fax: (202) 822-1111
Customer No.: 38834
NES:rep